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6 UNITED STATES DISTRICT COURT
WESTERN DISTRICT OF WASHINGTON
7 AT TACOMA

8 JASON STOMPS,

9 Petitioner,

10 v.

11 MICHAEL OBENLAND,

12 Respondent.

CASE NO. 3:18-cv-05365 RBL-JRC

ORDER ADOPTING REPORT AND
RECOMMENDATION

13 THIS MATTER is before the Court the Report and Recommendation of Magistrate Judge
14 J. Richard Creatura [Dkt. # 15], Petitioner Stomps' Objections [Dkt. # 16], and the underlying
15 record.

- 16 (1) The Report and Recommendation is **ADOPTED**.
17 (2) Stomps' habeas petition under 28 U.S.C. § 2254 is **DENIED**.
18 (3) Stomps' Motion to Amend his Writ (to voluntarily dismiss his two actual
19 innocence claims) [Dkt. # 17] is **DENIED** as futile. Such an amendment would
20 leave only his sufficiency of the evidence argument, which the Court has rejected.
21 (4) The Court will **NOT** issue a Certificate of Appealability under 28 U.S.C. §
22 2253(c)(2), for the reasons articulated in the Report and Recommendation.

23 The Clerk shall send copies of this Order to the Stomps' last known address, to the
24 Respondent's counsel, and to Magistrate Judge Creatura.

IT IS SO ORDERED.

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Ronald B. Leighton
United States District Judge